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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,887	02/17/2000	Kevin Lauren Cote	011495-056	7040

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 05/20/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/505,887

Applicant(s)
Cote et al.

Examiner
Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 7, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-27 is/are pending in the application.
- 4a) Of the above, claim(s) 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. The responses filed December 30, 2002 (paper no. 14) and March 7, 2003 (paper no. 16) have been received and entered into the application file. It is noted that paper no. 16, which was submitted to complete paper no. 14 (in which page 4 was missing), is also incomplete because page 3 is missing. However, paper nos. 14 and 16 together are considered to provide a complete response.

Claim Rejections - 35 USC § 102/103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20-23 and 27 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bach et al., pn 3,623,386.

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Bach discloses a carrier system with every structural limitation of the claimed invention including at least a first roller chain carrier assembly (e.g., 12) and at least a second roller chain carrier assembly (e.g., 20), wherein the second roller chain carrier assembly has at least one roller cross bar with at least one slot (e.g., 46).

In the alternative, if it is argued that the chain carrier assembly 12 of Bach cannot be considered to be a roller chain carrier assembly, the Examiner takes Official notice that such roller chain carrier assemblies are old and well known in the art, have various known configurations (e.g., such as carrier assembly 20), and have various well known benefits including providing alternate chain assembly drive structure. Therefore, it would have been obvious to one having ordinary skill in the art to provide the first chain carrier assembly 12 in the form of a roller chain carrier assembly for the well known benefits including those described above.

Further in the alternative, if it is argued that the slot(s) in the at least one roller cross bar are not for receiving the spring-like gripper finger, the Examiner takes Official notice that such a provision is old and well known in the art to accommodate operation in close spacing. For example, if available manufacturing spacing dictates that the carrier assemblies be located closer to one another, it is known to provide clearance for cooperating structure. Therefore, it would have been obvious to one having ordinary skill in the art to provide clearance slots in the top portion of the carrier assembly components for the well known benefits including that described above.

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Response to Arguments

5. Applicant's arguments filed December 30, 2002 and March 7, 2003 have been fully considered but they are not persuasive.

In the second paragraph on page 4 of the response, applicant argues that

“the Bach patent fails to teach or suggest any use of a rotatably mounted gripper cross bar or a rotatably mounted roller cross bar as recited in Applicants' claim 20 combination.”

The Examiner respectfully disagrees with applicants' analysis. Bach clearly discloses a rotatably mounted gripper crossbar and a rotatably mounted roller crossbar as claimed. For example, Bach discloses a gripper crossbar (e.g., 11, 11a, 11b) that is rotatably mounted to provide for the cammed rotating action as shown in Figures 1 and 7. Further, the gripper crossbar of Bach is clearly rotatably mounted in that it is mounted to rotate about the axis of wheels 13, 14 as shown in Figure 1. As a further example, Bach discloses a roller crossbar (e.g., 24, 45) that is clearly rotatably mounted in that it is mounted to rotate about the axis of wheels 21, 22 as shown in Figure 1. Therefore, it is respectfully submitted that Bach meets the claimed invention to the extent claimed and thus the prior art rejection must be maintained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfid
May 16, 2003